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October 13, 2009

Hon. Dora L. Irizzary
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Application of Madison, et al.

MC-09-647

Dear Judge Irizzary:

I am counsel for Petitioners James and Irina Weiss, who are housemates of Elliot and Elena Madison. The Madisons' counsel, Martin Stolar, Esq., has moved for the return of the Madisons' property (and/or the appointment of a special master), and the return of the property of their housemates, which include my clients. James and Irina Madison have submitted affidavits in support of the amended application that was filed on October 6, 2009. This letter is submitted in brief further reply to the government's opposition letter of October 9, 2009, and in further support of the application that all of the property of James and Irina Weiss that was seized in the search of their home on October 1, 2009 be returned forthwith, or that additional remedies be ordered by the Court. Petitioners herein adopt the arguments and authorities presented by Mr. Stolar and the other counsel for the Weisses' other housemates and fellow-petitioners.

There has been no proffer whatsoever by the government that there is any reason at all to believe that the Weisses, or any of their property, have any connection with anything remotely unlawful. By way of example, the photographic equipment, computers and computer files seized from James and Irina Weiss contained their professional work files, and the seizure is preventing them from working on ongoing projects and earning their livelihood (see, the affidavits of James Weiss and Irina Weiss that were submitted along with the amended application made by Mr. Stolar on October 6, 2009). Of equal importance, the Weisses' computers and computer files also contained their wedding photographs, photographs of their travels together, and myriad other files of a similarly personal nature. These computer-oriented young people, in short, had their entire personal lives stored on the hard drives that have been seized by the government. The invasion of their privacy and autonomy - and their right to a private space within their homes for the compilation, formulation and expression of their philosophical and political thoughts and ideas under the First Amendment - cannot have been more total or more wrenching.

Their private books, writings, photographs and computer files - in short, their private lives - must be returned to them forthwith.

I thank the Court for its consideration with regard to this matter.

Respectfully submitted,

/S/

Jeffrey A. Rothman
Counsel for Petitioners James
and Irina Weiss

cc: All Counsel (by ECF)